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TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
D-362

In re Application of: Philip A. Dafesh and Tien M. Nguyen

Application No.: 09/318,560

Filed: 05/26/1999

For: Quadrature Product Subcarrier Modulation System

The owner\*, The Aerospace Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,430,213 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 32,096

Signature

10-31-05

Date

Derrick Michael Reid  
Typed or printed name(310) 336-6709  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Philip A. DafeshApplication No./Patent No.: 09/318,560 Filed/Issue Date: 05/26/99

Entitled: Quadrature Product Subcarrier Modulation System

The Aerospace Corporation, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Robert Donald Matthews10/31/05

Signature

Date

Robert Donald Matthews310-336-6700

Printed or Typed Name

Telephone Number

Assistant General Counsel, The Aerospace Corporation

Title

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This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Philip A. Dafesh  
Tien M. Nguyen

DOCKET: D-362

FOR: QUADRATURE PRODUCT SUBCARRIER MODULATION METHOD

Commissioner of Patents and Trademarks  
Washington, DC 20231  
Attention: Assignment Branch

**ASSIGNMENT COVER LETTER  
ACCOMPANYING NEW PATENT APPLICATION**

Dear Sir:

Please record the enclosed assignment.

**1. IDENTITY OF PARTY MAKING TRANSFER**

Philip A. Dafesh and Tien M. Nguyen

**2. IDENTITY OF PARTY TO WHOM TRANSFER IS MADE**

Internal Address: The Aerospace Corporation  
P.O. Box 92957  
Los Angeles, CA 90009

Street Address: The Aerospace Corporation  
2350 East El Segundo Boulevard  
El Segundo, CA 90245

**3. NATURE OF CONVEYANCE**

Assignment

**4. EXECUTION DATES**

The enclosed assignment was executed on May 25, 1999.

The above-mentioned new application filed with the enclosed assignment was executed on May 25, 1999.

**5. APPLICATIONS AND PATENTS INVOLVED**

The above-mentioned new application is the only application or patent involved.

**6. FEE DUE (authorized to be charged to deposit account)**

\$40.00

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7. DEPOSIT ACCOUNT NUMBER (duplicate copy of this page is attached)

01-0428

8. ADDRESS TO RETURN ASSIGNMENT AFTER RECORDAL BY PTO

Mr. Derrick M. Reid  
Patent Attorney  
The Aerospace Corporation  
M1/040  
P.O. Box 92957  
Los Angeles, CA 90009

9. SIGNATURE AND STATEMENT

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,



Derrick Michael Reid  
Reg. No. 32,096

Date: 5-26-99

The Aerospace Corporation  
P.O. Box 92957  
Los Angeles, CA 90009  
(310) 336-6708

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PATENT OR DESIGN; SOLE OR JOINT  
(U.S. AND FOREIGN RIGHTS)

**ASSIGNMENT FOR UNFILED APPLICATION FOR UNITED STATES  
PATENT**

(Sole or Joint Inventors)

WHEREAS:

FULL NAME(S) AND  
POST OFFICE ADDRESS(S)  
OF INVENTOR(S) (including  
country)

Philip A. Dafesh  
3541 Tilden Avenue  
Los Angeles, CA 90034  
U.S.A.

Tien M. Nguyen  
433 Swanson Avenue  
Placentia, CA 92870  
U.S.A.

(hereinafter referred to as  
ASSIGNOR), have invented and own a  
certain invention entitled:

TITLE OF  
INVENTION

QUADRATURE PRODUCT SUBCARRIER  
MODULATION METHOD

for which application for Letters  
Patent of the United States has  
been executed on even date  
herewith,

WHEREAS:

FULL NAME AND  
ADDRESS (including country  
OF ASSIGNEE

The Aerospace Corporation  
2350 E. El Segundo Boulevard  
El Segundo, CA 90245  
U.S.A.

(Assignment for Unfiled Application for United States Patent--page 1 of 3)

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(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by said application or any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to

(Assignment for Unfiled Application for United States Patent--page 2 of 3)

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ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters of Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal.

**WARNING**

**DATE OF SIGNING:**

This must be the same as the date of signing of the declaration and power of the patent or design application.

**SIGNATURE(S)**

The signature(s) must correspond with the name(s) of the inventor(s) above.

Philip A. Dafesh 5/26/91  
Philip A. Dafesh Date

Tien M. Nguyen 9/16/99  
Tien M. Nguyen Date

\_\_\_\_\_  
Date

(Assignment for Unfiled Application for United States Patent--page 3 of 3)